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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/335,031 | 06/16/1999 | KEIICHI IWAMURA | 35.C11664-DI | 5998 |

5514 7590 09/24/2003

FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

FELTEN, DANIEL S

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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3624

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/335,031

Applicant(s)

IWAMURA

Examiner

Felten

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

6/18/2003

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-81 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 17
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1 1. The receipt of the Supplemental request for issuance of new office action dated June 18,
2 2003 is acknowledged.

Information Disclosure Statement

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6 2. The information disclosure statement filed July 28, 2003 has been considered.

Response to Arguments

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9
10 3. Applicant's arguments regarding amended claims 24, 28, 33, 41, 46, 49-51, 64, 70 and
11 75 filed June 18, 2003 have been fully considered but they are not persuasive. The examiner
12 maintains rejections 35 USC 102(b) rejections from previous office actions mailed March 14,
13 2001 under paper No. 4, and mailed September 21, 2001 under Paper No. 6. Reasoning for
14 examiner's position is provided:

15
16 " a.) as in claims 24, 28, and 46, wherein said processing step is not performed if the permission
17 signal is not output in the judging step;"

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2
3
4 **Re claims 24, 28, and 46:**

5 Fukatsu, discloses that the main control transmits the data to the host computer, whereby the
6 host computer *checks* an account and *if a problem is not posed* the transaction is permitted (see
7 Fukatsu, col. 17, ll. 20+). The examiner respectfully maintains that the host computer is
8 actually involved in processing steps at least when data is being transmitted and or received,
9 before the judging steps when “checking” the permission (or denial) of a transaction. Fukatsu,
10 specifically states, “If a problem is not posed, the transaction is permitted...” (see Fukatsu,
11 col. 17, ll. 25-39). The examiner interprets this to mean that if a problem *is* posed, then the
12 transaction is *not* permitted and hence the permission signal is not output in the judging step.

13
14 “b.) as in claim 33, wherein said processing step is not performed if the permission signal is not
15 output in the comparing step;”
16

17 **Re claim 33:**

18 Fukatsu, discloses that the main control making processing steps that are performed only in
19 response to the transaction permission signal (see Fukatsu, col. 17, ll. 29-52; and col. 18, ll.
20 21+).

1
2 “c.) as in claim 41, wherein said processing step is not performed if the judging step judges that the
3 user of the electronic information at the terminal cannot be permitted;”
4

5 **Re claim 41:**

6 (see explanation for claims 24, 28, and 46)
7

8 “d.) as in claims 49 and 50, wherein the processing step is not performed if the judging step judges
9 that the user of the electronic information cannot be permitted;”
10

11 **Re claim 49 and 50:**

12 Fukatsu discloses checking a password (see Fukatsu, col. 17, ll. 25-39), which permits (or
13 does not permit) electronic information.
14

15 “e.) as in claim 51, wherein the device does not receive the electronic information when the device
16 judges that the money amount is not enough for use of the electronic information;”
17

18 **Re claim 51:**

19 Fukatsu discloses checking the amount of money used in a current month (see Fukatsu, col.
20 17, ll. 25-39), which permits (or does not permit) electronic information.
21

1
2 “f.) as in claims 64 and 70, wherein the processing means does not receive the electronic information
3 when the device judges that the money amount is not enough for use of the electronic
4 information;”

5
6 **Re claim 64 and 70:**

7 (see explanation for claim 51)
8

9 “g.) as in claim 75, wherein the processing means does not receive the electronic information if the
10 judging means judges that the use of the electronic information at the terminal cannot be
11 permitted;”
12

13 **Re claim 75:**

14 (see explanation for claims 49 and 50).
15

16 **Conclusion**

17
18 4. Any inquiry concerning this communication or earlier communications from the examiner
19 should be directed to **Daniel S. Felten** whose telephone number is (703) 305-0724. The
20 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.
21 Any inquiry of a general nature relating to the status of this application or its proceedings should

1 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor
2 **Vincent Millin** whose telephone number is (703) 308-1065.

3
4 5. Response to this action should be mailed to:

5
6 Commissioner of Patents and Trademarks


7 Washington, D.C. 20231

8
9 for formal communications intended for entry, or (703) 305-0040, for informal or draft
10 communications, please label "Proposed" or "Draft".

11 Communications via Internet e-mail regarding this application, other than those under 35
12 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
13 addressed to [daniel.felten@uspto.gov].

14 All Internet e-mail communications will be made of record in the application file. PTO
15 employees do not engage in Internet communications where there exists a possibility that
16 sensitive information could be identified or exchanged unless the record includes a properly
17 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly
18 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
19 Trademark on February 25, 1997 at 1 195 OG 89.

20
21 
22 DSF
23 September 8, 2003


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600